

46691
DO

SERVICE DATE – LATE RELEASE NOVEMBER 13, 2018

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 70 (Sub-No. 6X)

FLORIDA EAST COAST RAILWAY, L.L.C.—ABANDONMENT EXEMPTION—IN
MIAMI-DADE COUNTY, FLA.

Decided: November 13, 2018

Florida East Coast Railway, L.L.C. (FEC) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon an approximately 1.21-mile rail line on its South Little River Branch Line, between mileposts LR 11+3989 and LR 13+0000 (the Line), in Miami-Dade County, Fla. Notice of the exemption was served and published in the Federal Register on February 10, 2016 (81 Fed. Reg. 7,185). The exemption became effective on March 11, 2016.

By decision served on March 10, 2016, the Board imposed (in addition to one environmental condition) an historic preservation condition requiring FEC to: (1) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project-right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places (NRHP) until the Section 106 process of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108 (formerly 16 U.S.C. § 470f), has been completed, (2) report to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the Florida State Historic Preservation Office (SHPO) and the public, and FEC may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

Thereafter, as reflected in a Supplemental Final Environmental Assessment (EA) dated October 24, 2018, OEA, FEC, and the SHPO executed a Memorandum of Agreement (MOA) that was negotiated to comply with the Section 106 process. In the Supplemental Final EA, OEA states that the filing of the MOA with the Advisory Council on Historic Preservation completes the Board's compliance responsibilities under Section 106 of the NHPA. Therefore, OEA recommends that the Board remove the Section 106 condition that was imposed in the March 10, 2016 decision.

Accordingly, based on OEA's recommendation, this proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the Section 106 historic preservation condition imposed in the March 10, 2016 decision is removed.
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.